



Board of Election Commissioners for the City of Chicago
Minutes of the
Regular Board Meeting
May 22, 2018, 9:30 a.m.
69 West Washington Street, 8th Floor Conference Room, Chicago, Illinois 60602

Board Members:

Marisel A. Hernandez, Chairwoman
William J. Kresse, Commissioner/Secretary
Jonathan T. Swain, Commissioner

Staff:

Lance Gough, Executive Director
Adam W. Lasker, General Counsel
Charles Holiday, Assistant Executive Director
James P. Allen, Communications Director
Bill Perez, Coordinator Hispanic Outreach
Peter Peso, Deputy Chief Administrative Officer
Lorel Blameuser, Purchasing Agent
LaCretia Dandridge, Manager – Human Resources
Gary Ryczyn, Consultant
Trish Sheehy
Geneva Morris, Videographer

Guests:

Helene Gabelnick, League of Women Voters (LWV) Chicago
C. Betty Magness, Rainbow Push Coalition (RPC)
Sandy Hed, Election Works
Judd Ryan ES&S
Waldeep Singh, Dominion

- I. **Call to Order:** The Chairwoman called the meeting to order at 9:38 a.m.
- II. **Roll Call:** All members were present.
- III. **Consideration of Agenda:** The agenda was accepted as presented.
- IV. **Approval of Minutes:**
 - A. Commissioner Swain moved to approve the Minutes of the March 20, 2018 - Special Board Meeting. Commissioner Kresse seconded the motion. The motion passed by a vote of 3:0 and the Minutes were approved.

**Board of Election Commissioners for the City of Chicago
Regular Board Meeting of May 22, 2018**

B. Commissioner Swain moved to approve the Minutes of the March 20, 2018 – Canvassing Board Meeting, held pursuant to Sections 7-56 and 22-8 of the Election Code (10 ILCS 5/7-56 and 5/22-8). Commissioner Kresse seconded the motion. The motion passed and the Minutes were approved by unanimous vote of the Board.

C. A motion to approve the Minutes of March 27, 2018 – Regular Board Meeting was made by Commissioner Swain, seconded by Commissioner Kresse, passed by 3:0 vote of the Board and the Minutes were approved.

V. Executive Director's Report (Mr. Lance Gough):

- Mr. Gough received information from the Illinois State Board of Elections (ISBE) regarding a Help America Vote Act (HAVA) grant and how the funds will be distributed.
 - The State of Illinois is getting thirteen million dollars of the three-hundred and eighty-million-dollar appropriation. While a fraction of what is needed, it's better than nothing.
 - Board personnel have been working on how to best utilize the grant money. We have 5 years to use these funds.
 - The State Board has concentrated a lot on security measures.
 - Assistant Executive Director Holiday and the Board's IT Manager, Matt Lin will be representing this agency at a cybersecurity meeting on June 20th and 21st in Bloomington-Normal.
 - Mr. Gough will answer any questions the Board may have regarding the cybersecurity money, part of which will go toward new equipment and other items as needed.
- Mr. Gough also had a meeting with Steve Sandvoss, [ISBE Executive Director] to discuss accessibility. Zena Naiditch from Equip for Equality had sent Mr. Sandvoss a letter regarding the accessibility project. Mr. Gough and Equip for Equality plan to meet with the ISBE to discuss the ISBE's involvement in the accessibility project. Mr. Gough feels that given that the ISBE is an agency dealing with elections state-wide, the ISBE should have a part in this; it should not be entirely on the Chicago Board of Elections. Mr. Sandvoss is in agreement.
- Mr. Gough reported that we are working on several other items and will give the Board members additional information in writing. We are still working on some matters with the Department of Justice (DoJ). We have a meeting with the DoJ on Thursday of this week and another next week regarding both Accessibility and Cybersecurity.

A. Assistant Executive Director (Mr. Charles Holiday)

- The Registration Department staff has scanned voter history for the March 2018 Election Day and are now beginning to scan the voter history for Early Voting voters, this is for the images.

**Board of Election Commissioners for the City of Chicago
Regular Board Meeting of May 22, 2018**

- The Registration Department is processing registrations received from the U. S. Mail, the Illinois Voter Registration System (IVRS) Electronic Registration Information Center (ERIC), and the Illinois Department of Motor Vehicles (DMV).
- Mr. Holiday thanked the other Board departments for their help with voter history and registration processing.
- Starting tomorrow, we will return to having weekly meetings with ES&S regarding any proposed updates of the e-poll book for November.
- Planning for November's election continue.

B. Communications Director (Mr. Jim Allen)

- During the meeting that we attended with the ISBE regarding the HAVA grant money there was an interesting discussion on cybersecurity for all Illinois counties. Some smaller counties are not willing to participate in cybersecurity efforts. There are others that are cautiously willing, and others, mostly larger counties, that are very strongly wanting to do as much as possible to tighten the security.
- Tomorrow we are jointly hosting with ISBE public hearing regarding Automatic Voter Registration (AVR). Chairwoman Hernandez will be speaking at this event. ISBE member, Commissioner Casandra B. Watson and representatives of the Secretary of State's Office will also be participating. Much of the discussion will be about the implementation of AVR. Phase I implementation will start July 1. Under Phase I. changes in existing registration will not require voters having to say yes or no if they are already on the rolls. Phase II will be after the Secretary of State's Office employs the "real ID" system in 2019, which should prevent automatic registration of non-citizens. We expect to hear at the public hearing several of the organizations that contributed to the development of AVR including Operation Push, League of Women Voters, Chicago Votes, and The Chicago Lawyers' Committee for Civil Rights.
- We are still trying to get from the Illinois Department of Financial and Professional Regulations a list of barbershop and beauty shops in the City of Chicago to use for Judges of Election and Election Coordinator recruitment. We are now working with the Attorney General's Public Access Counsel because they Department of Financial and Professional Regulations is trying to charge us a fee of several hundreds of dollars to get this list. We are trying to explain to them that under the Freedom of Information Act (FOIA) this is a public use to recruit Judges of Election, and that we are not trying to sell anything to those on the list.

Commissioner Swain asked Mr. Allen, in respect to AVR, if it has been determined which of the different agencies will be the receivers of information to make these automatic changes? Mr. Allen answered that yes it has, but it will start with the Secretary of State's office. Which is where we expect the majority of the action to happen. Then they are going to add to that the Department of Public Health, Illinois Department of Professional Regulation (IPR), Public Aid and several social services agencies.

**Board of Election Commissioners for the City of Chicago
Regular Board Meeting of May 22, 2018**

Commissioner Swain wanted to know what the timeline is or if they haven't yet determined as to how these other agencies are going to be integrated into this process. Mr. Allen said that that is up to the State and will make sure to bring it up at tomorrow's hearing. He believes that it's by 2019 but isn't certain.

Commissioner Swain also asked about AVR procedures and his concern that the process not be overly burdensome so as to prevent access for anyone, including the indigent. Mr. Gough said that AVR is supposed to work for anyone who has any interaction with any State agency. Commissioner Swain pointed out that the longer the program is limited to just one agency, one that is reliant on ID, may unintentionally add a burden for some people who are interacting with other agencies; so he wants to encourage that the program be rolled out to more agencies as quickly as possible.

Commissioner Kresse inquired as to whether the other participating agencies are they going to be providing information to the Secretary of State to run against their Real ID database. Mr. Allen said that he does not believe they will. They will only be providing and receiving information as the law requires, and Mr. Allen does not think that running the data from other agencies against the Real ID database is required by law, but expects that the question will be brought up tomorrow at the public hearing.

Mr. Gough explained that one of the reasons that we are cohosting the meeting tomorrow is that the State had held a poorly attended meeting last month, and we have invited Aldermen and Committeemen and notified many civic organizations in hopes of a larger turn out. Also, it was pointed out that even when the AVR is put online, our system will remain up and running. We will continue to take registrations at and through our office.

VI. Old Business

A. Infrastructure Projects and Changes in Election Administration: Mr. Gough reported that we are going to continue looking at new voting equipment. Now that the election is over we are going to pick that up and start running with that.

Cybersecurity is going to take up much of our time, as is making all of our polling places fully accessible. We hope to have meetings with all of the City agencies regarding polling place accessibility.

Mr. Allen said that an updated draft of the plan will be sent to the Commissioners soon, It will incorporate some of the concerns that both Commissioner Kresse and Commissioner Swain raised about expanded vote by mail, and trying to make sure that we have additional safeguards and the equivalent to Judges of Election making calls on signature verification and a tie-breaker if needed to settle any disputes.

B. Electronic Poll Books – nothing to report.

C. Voting Equipment - still looking at this.

**Board of Election Commissioners for the City of Chicago
Regular Board Meeting of May 22, 2018**

D. Legislation: General Counsel Lasker reported that most of the bills that we are tracking are still in committees. However, Senate Bill 2273 deals with the ERIC registration system has passed both houses waiting for signature of the Governor and should become law soon. Mr. Gough is very happy about that, as we are already a member of that program.

VII. New Business:

A. Professional Services Agreement between Board of Election Commissioners for the City of Chicago and ANE Data Solutions LLC

Mr. Allen provided background to the Board: ANE, formerly K-Design, came on in 2013 to help us put the website onto a new platform; specifically, a platform that was more flexible in terms of multi-lingual content so that you could navigate the entire site in each language.

They also worked us when we were looking for offsite servers, and they have been very successful in working with the server provider to ensure that the site is flexible and secure.

Most recently they have been working with us on both the online vote by mail application and on the development of a replacement for the Military/overseas on-line ballot accessing system. (Note: the Military/Overseas voters do not vote online but are able to access the ballot, print it out, mark it, and mail it to us.)

ANE has been with us for 5 years and has been very responsive.

Commissioner Swain asked if there was any indemnification of us. The Chairwoman pointed out that there is, in paragraph 11, an indemnification clause holding the Board harmless. Mr. Lasker added that there is the standard indemnification and that in paragraph 8 there is the requirement that the contractor read and sign the Board's standard Confidentiality and Acceptable Use Agreement which addresses in more detail the use of our data.

Commissioner Kresse made a motion to approve Professional Services Agreement between Board of Election Commissioners for the City of Chicago and ANE Data Solutions LLC for a term of April 1, 2018 through May 31, 2020 in the amount of \$100,000. Commissioner Swain seconded the motion. The motion passed and the agreement was approved by a vote of 3:0

VIII. Legal Report

- The Board is a Nominal defendant in *Segovia v U.S.* where some US citizens are challenging a Federal Law that deals with voting and certain U.S. territories. We are defendants because some of the plaintiffs now live in Chicago. None of the Board's action or conduct are at issue, but the federal law is what is at issue. This case has been decided in favor of the U.S government at the District Court level and at the 7th Circuit Court of Appeals, but the plaintiffs have now filed a petition for *Writ of Certiorari* with the U. S. Supreme Court. The Board's position in its briefing previously in this case has really been to inform the court as to what it's like for an election authority to operate under this law. The U. S. government is defending its own statute. Our position has nothing new to add at the U. S. Supreme Court level. We operate under this law. We are not going to take a position against the Petition for *Writ of Certiorari* nor are we going to take any position

**Board of Election Commissioners for the City of Chicago
Regular Board Meeting of May 22, 2018**

against the several requests to file Amicus Briefs that we have been receiving. We have heard that the Commonwealth of Puerto Rico, the U. S. Virgin Islands Bar Association, from a political science professor of Columbia University in New York are among the groups that want to file Amicus Briefs. This is really the Federal Government's issue, so we will not stand in the way of a full debate taking place if the case gets accepted by the Supreme Court.

IX. Financial Report

- A. Balance Sheet and Voucher Listings for the City of Chicago – 2018
Appropriation – 18-04 dated May 22, 2018 in the amount of \$ 748,503.04**

Commissioner Swain moved to accept the report. Commissioner Kresse seconded the motion. The motion passed by unanimous vote of the Board.

- B. Balance Sheet and Voucher Listings for the County of Cook – 2018
Appropriation – 18-04 dated May 22, 2018 in the amount of \$ 686,394.00**

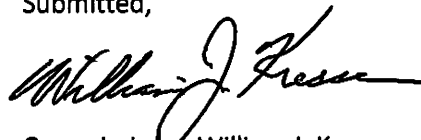
Commissioner Kresse made a motion to accept the report. Commissioner Swain seconded the motion. The motion passed by a 3:0 vote of the Board.

X. Public Comment none

XI. Executive Session none

XII. Adjournment: Commissioner Swain moved to adjourn until the next Regular meeting of the Board scheduled for June 12th. Commissioner Kresse seconded the motion. The motion was passed by unanimous vote and the Board adjourned at 10:03 a.m.

Submitted,

A handwritten signature in black ink, appearing to read "William J. Kresse", written in a cursive style.

Commissioner William J. Kresse
Secretary